

Memorandum of Understanding

between

the Federal Minister of Defense of
the Federal Republic of Germany

and

the Secretary of Defense of
the United States of America

concerning

the Exchange of Reserve Officers

The Federal Minister of Defense of
the Federal Republic of Germany
(FMOD)

and

the Secretary of Defense of
the United States of America
(SEC DEF)

have, in regard to the exchange of reserve officers, agreed as follows:

Article 1
Object

1. The purpose of the exchange program for reserve officers of the US forces and the Bundeswehr is to maintain the active relationship existing between the armed forces of the two countries.
2. Reserve officers from those units or agencies of all services of the two countries which are dependent on cooperation in crisis and war shall be given the opportunity to familiarize themselves, inter alia, with the structure, organization, equipment and operational doctrine of the armed forces of the other country and to gain practical experience with regard to opportunities for cooperation.
3. The program will be based on the exchange of a balanced number of fully trained reserve officers who should be of equal rank wherever possible.

Article 2
Definitions

The following definitions shall apply for the purpose of this Memorandum of Understanding:

1. "Exchange reserve officers" - reserve officers of the sending State who are attached to the host Service under this exchange program.
2. "Parent Service" - the national unit or military department to which an exchange reserve officer has been recalled for a period of reserve duty training.
3. "Host Service" - the unit or military department to which an exchange reserve officer has been attached under this exchange program.
4. "Sending State" - the State to which the parent Service belongs.
5. "Receiving State" - the State to which the host Service belongs.

Article 3
Selection Criteria

Exchange reserve officers will be carefully selected from among the reserve officers of the sending State. The sending State will have sole responsibility for the selection of its exchange officers on the basis of the following criteria:

The reserve officers selected must

- be well versed with the existing procedures and operational principles of their parent Service;
- have the theoretical knowledge and practical experience qualifying them for their specific tasks and assignments;
- be in possession of the certification of security clearance required for their respective assignments;

— have good command of the language of the receiving State.

No longer required/desired of U.S. exchange officers

Article 4 Assignments

1. FMOD and SECDEF will determine the assignments of exchange reserve officers by mutual agreement.
2. Exchange reserve officers will not exercise command authority over personnel of the host Service. This does not affect their authority to give orders within the scope of responsibilities conferred on them by the host Service.
3. Exchange reserve officers should participate in the activities of the host Service to the greatest possible extent. However, the receiving State may decide to initiate operations which are not supported by the sending State for political reasons or in which the sending State does not want to be involved. In principle, therefore, exchange reserve officers will not participate in combat missions and police actions or actions serving the interests of internal security nor will they visit the combat area except where the armed forces of the sending State are also involved in combat actions or where express permission has been obtained from the sending State.
4. In the case of hostilities, regardless of whether or not they are preceded by a declaration of war, exchange reserve officers will remain with the host Service and perform the tasks assigned to them only if the armed forces of the sending State are also involved in such hostilities. In all other cases, exchange reserve officers will request guidance from the sending State and will not be required to take part in active operations of any kind until such guidance has been obtained.

Article 5 Duration of Exchange Duty

Exchange reserve officers must have been recalled for reserve duty training in the armed forces of the sending State throughout the period of exchange duty.

As a rule, the duration of exchange duty for exchange reserve officers will be 2 to 4 weeks. Any change in the duration of exchange assignments will be made by mutual agreement.

Article 6 Alert Readiness

Exchange reserve officers may perform armed alert readiness duties only when attached to units under the operational control of NATO military authorities or to units which will be assigned to NATO upon declaration of a certain alert stage.

Article 7 Administration and Control

1. Exchange reserve officers will remain officers of their parent Service.
2. Exchange reserve officers of the US forces undergoing reserve duty training in the Bundeswehr will be under:
 - a. the administrative control of USCINCEUR for the duration of that assignment;
 - b. the control of their responsible specialized service superiors in the Bundeswehr unit or agency concerned in matters pertaining to their exchange duties.
3. Exchange reserve officers of the Bundeswehr undergoing reserve duty training in the US forces will be:
 - a. under the administrative control of the German Military Representative, USA and Canada;
 - b. under the control of their responsible specialized service superiors in the US military unit or department concerned in matters pertaining to their exchange duties;

- c. attached for economic support to the Federal Armed Forces Administrative Agency, USA/CA, in Washington, D.C.

Article 8 Disciplinary Matters

1. Exchange reserve officers will comply with the regulations, orders, instructions and customs of the host Service to the extent that they are applicable to them and are in keeping with the laws of the sending State.
2. Exchange reserve officers contravening the laws of the receiving State or acting in breach of the regulations, orders, instructions and customs of the host Service may be relieved from duty under the exchange program at the request of the host Service. This will be without prejudice to the authority of the sending State to withdraw its exchange officers from the program.
3. Exchange reserve officers will not have disciplinary authority over personnel of the host Service.
4. Consistent with paragraph 1 of this Article, exchange reserve officers will comply with lawful orders given by officers of the host Service who are senior to them in rank and position, provided that the orders relate to the exchange program.
5. The host Service will not take disciplinary action against exchange reserve officers of the parent Service.
6. At the request of competent authorities of the parent Service, the host Service will support the parent Service in the implementation of administrative measures and in the imposition and enforcement of disciplinary measures to the extent compatible with the laws and regulations of the receiving State.

Article 9 Duty Travel

1. Exchange reserve officers will participate in necessary duty trips within the North Atlantic Treaty area as directed by appropriate host Service agencies.
2. Exchange reserve officers who wish to travel outside the North Atlantic Treaty area will obtain the prior consent of the parent Service.

Article 10 Efficiency Reports

1. Inputs to efficiency reports to be prepared under the regulations of the parent Service may be requested from the exchange Service reserve officers' immediate superiors in the host Service.
2. Such inputs will be transmitted in writing to the parent Service through appropriate channels and will then be forwarded by the parent Service to the personnel administration agency concerned.

Article 11 Security

Exchange reserve officers will comply with the security regulations of the receiving State. With the permission of the receiving State they will be given access to classified information to the extent necessary for the discharge of their duties. Moreover, exchange reserve officers will accept and respect guidelines of the receiving State under which access to certain classified information is refused. In this regard, the receiving State will ensure that the handling of access to classified information will be in accordance with customary procedures among NATO allies.

Exchange reserve officers will be provided with a NATO Certificate of Security Clearance for the duration of their tour of exchange duty.

Article 12 Hours of Service, Leave and Passes

1. Exchange reserve officers will observe the same hours of service as comparable officers of the host Service. This includes public holidays. Exchange reserve officers may observe public holidays in accordance with the regulations of the sending State so far as this is compatible with host Service requirements.
2. Special leave and passes will be granted in accordance with entitlements under the national laws and regulations of the parent Service. Applications for leave will be submitted to the responsible superior officer of the host Service who will forward them with his comments to the responsible administrative authority of the parent Service.

Article 15 Dress and Grooming Standards

1. Exchange reserve officers will comply with the dress regulations of their parent Service. The specific order of dress for any occasion will be that which most closely conforms to the order of dress of their host unit.
2. Exchange reserve officers will be provided with special clothing and equipment in accordance with the procedures applicable to officers of the host Service. The rules of the receiving State regarding the wearing of special clothing will apply.
3. As regards the wearing of civilian clothing, exchange reserve officers will observe the customs of the host Service.
4. Exchange reserve officers will comply with the hair and beard grooming regulations of the host Service, if more restrictive than those of the parent Service.

Article 14 Accommodation, Messing and Welfare Facilities

1. The host Service will make available to exchange reserve officers accommodation and messing facilities in accordance with the standards applicable to its own officers.
Messing fees will be paid directly by the exchange reserve officers.
2. Purchasing and patronage privileges of military-owned commissaries, exchanges, cinemas, and clubs will be granted to exchange reserve officers and their dependents on the same conditions as to personnel of the host Service.

Article 15 Medical and Dental Care

1. **Outpatient Treatment**
Exchange reserve officers will be granted free outpatient medical and dental treatment in military medical facilities of the receiving State or the host Service in accordance with the regulations applicable at the time. This does not include the provision of visual and hearing aids, orthopaedic and other appliances, artificial limbs, and dentures.
Costs of outpatient treatment by civilian physicians or dentists in civilian clinics or hospitals will be borne by the exchange reserve officer
2. **Inpatient Treatment**
Inpatient treatment of exchange reserve officers in military medical facilities of the receiving State or the host Service will be provided against reimbursement of costs.
Costs of inpatient treatment in civilian clinics or hospitals will be borne by the exchange reserve officer.

Article 16 Costs

1. To the extent authorized by its laws and regulations, the following costs will be borne by the sending State during the tour of exchange duty:
 - 1.1 Emoluments and allowances due to exchange reserve officers;

1.2 Costs incident to relocation and travel at the beginning and the end of the tour of exchange duty, on the order of the parent Service;

1.3 Cost for formal training according to an established curriculum and costs of familiarization courses and similar courses;

1.4 Repatriation, funeral expenses, and other cost incident to the death of an exchange reserve officer;

1.5 Compensation for loss of or damage to the uniform or other personal property of the exchange reserve officer;

1.6 Billeting fees for exchange reserve officers.

2. To the extent authorized by its laws and regulations, the following costs will be borne by the receiving State during the tour of exchange duty;

2.1 Costs incident to relocation and duty travel on the order of the host Service;

2.2 Costs of instruction incident to any assignment when ordered by the host Service.

3. Bills will be sent

3.1 for US exchange reserve officers to:

US Defense Attache Office

US Embassy Bonn

Deichmanns Aue 29

5300 Bonn 2

3.2 for Bundeswehr exchange reserve officers to:

Federal Armed Forces Administrative Agency USA/CA

4000 Brandywine Street, N.W.

Washington, D.C. — 20016

Article 17

NATO Status of Forces Agreement (SOFA)

The Agreement between the Parties to the North Atlantic Treaty Regarding the Status of their Forces (NATO SOFA) dated 19 July 1951 shall apply to exchange reserve officers. In addition, the Agreement to Supplement the NATO SOFA, dated 3 August 1959, shall apply to US exchange reserve officers.

Article 18

Final Provisions

1. This Memorandum of Understanding will take effect upon signature by both Parties.

2. This Memorandum of Understanding may be amended any in writing at any time by mutual agreement of the Parties.

3. This Memorandum of Understanding may be terminated by either Party upon six months' written notice.

Article 19

This Memorandum of Understanding is executed in the English and German languages, both texts being equally authentic.

For the Federal Minister of
Defense of the Federal Republic
of Germany

– VS –

For the Secretary of Defense
of the United States of America